IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

KENNETH OFFUTT, JR.)	
Plaintiff,)	
v. .) No. 3:14-mo Chief Judge	
VERNISTEN DULIN and,)	110) 1102
TRISH YOUNG,	ý	
Defendants.)	

ORDER

Plaintiff, Kenneth Offutt, Jr., filed this *pro se* action under 42 U.S.C. § 1983 against the Defendants, Vernisten Dulin and Trish Young (Docket Entry No. 1). After being directed to do so, Plaintiff has now filed an application to proceed *in forma pauperis*. Because it is apparent from Plaintiff's submission that he lacks the funds to pay the entire filing fee in advance, Plaintiff's application to proceed as a pauper (Docket Entry No. 5) is **GRANTED**. The Clerk is **DIRECTED** to file this matter as a civil action.

Pursuant to 28 U.S.C. §§ 1915(b) and 1914(a), Plaintiff is nonetheless assessed the \$350.00 civil filing fee. The custodian of Plaintiff's prison trust-fund account at the facility in which he is presently incarcerated is **DIRECTED** to submit to the Clerk of Court, as an initial payment, the greater of: (a) 20% of the average monthly deposits to Plaintiff's credit at the jail; or (b) 20% of the average monthly balance to Plaintiff's credit for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). Thereafter, the custodian shall submit 20% of Plaintiff's preceding monthly income (or income credited to

Plaintiff for the preceding month), but only when Plaintiff's monthly income exceeds \$10.00. 28 U.S.C. § 1915(b)(2). Payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court. 28 U.S.C. § 1915(b)(3).

The Clerk of Court MUST send a copy of this order to the Administrator of the Davidson County Sheriff's Office – Criminal Justice Center to ensure compliance with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If Plaintiff is transferred from his present place of confinement, the Administrator must ensure that a copy of this order follows Plaintiff to his new place of confinement, for continued compliance herewith. All payments made pursuant to this order must be submitted to the Clerk of Court for the United States District Court for the Middle District of Tennessee, 801 Broadway, Nashville, TN 37203.

In accordance with the Memorandum filed herewith, Plaintiff's federal claims against the Defendants Vernisten Dulin and Trish Young are **DISMISSED** with prejudice and any state-law claim is **DISMISSED** without prejudice. On these grounds, this action is **DISMISSED**.

Any appeal of this Order would not be in good faith, as required by 28 U.S.C. § 1915(a)(3).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 20day of May, 2014.

Chief Judge

United States District Court